

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC,)	
)	C. A. No. 05-486 (GMS)
Plaintiff,)	
v.)	JURY TRIAL DEMANDED
)	
THE TORO COMPANY,)	PUBLIC VERSION
)	
Defendant.)	

**DECLARATION OF DAVID E. MOORE IN SUPPORT OF
THE TORO COMPANY'S REPLY MEMORANDUM IN SUPPORT OF
ITS MOTION TO STAY LITIGATION PENDING DETERMINATION OF ITS
REQUESTS FOR REEXAMINATION BY THE U.S. PATENT OFFICE**

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Attorneys for Defendant The Toro Company

Dated: April 10, 2007
Public Version Dated: April 18, 2007
790031 / 29362

I, David E. Moore, declare as follows:

1. My name is David E. Moore. I am an associate with the law firm of Potter Anderson & Corroon L.L.P., which represents Defendant the Toro Company, ("Toro") in the above-captioned matter.
2. Attached hereto as Exhibit A is a true and correct copy of Toro's request for reexamination dated April 5, 2007.
3. Attached hereto as Exhibit B is a true and correct copy of Toro's Notice of Motion to Stay Litigation Pending Determination of The Toro Company's Requests for Reexamination by the U.S. Patent and Trademark Office.
4. Attached hereto as Exhibit C is a true and correct copy of a letter dated March 20, 2007 to Anthony Zeuli from Chris Campbell.
5. Attached hereto as Exhibit D is a true and correct copy of a letter dated April 4, 2007 to Chris Campbell from Anthony Zeuli.
6. Attached hereto as Exhibit E is a true and correct copy of a Telephone Hearing Transcript dated November 9, 2006.
7. Attached hereto as Exhibit F is a true and correct copy of a Telephone Hearing Transcript dated January 11, 2007.
8. 

9. Attached hereto as Exhibit H is a true and correct copy of a Telephone Hearing Transcript dated January 11, 2007.

10. Attached hereto as Exhibit I is a true and correct copy of *Union Carbide Chems. & Plastics Tech. Corp. v Shell Oil Co.*, C.A. No. 99-274-SLR, C.A. No. 99-846-SLR, 2004 U.S. Dist. LEXIS 10730, *67 (D. Del. 2004)
11. Attached hereto as Exhibit J is a true and correct copy of *Rohm and Haas Co. v. Brotech Corp.*, C.A. No. 90-109-RRM, 1992 U.S. Dist. LEXIS 21721, at *4-7 (D. Del. July 16, 1992.)
12. Attached hereto as Exhibit K is a true and correct copy of the original notice of Eberlein's deposition and Textron's email requesting a later date.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 10th day of April, 2007.

/s/ David E. Moore
David E. Moore

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CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on April 18, 2007, the attached document was electronically mailed and hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading:

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I hereby certify that on April 18, 2007, I have Electronically Mailed and Federal Expressed the documents to the following:

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